

CAROLINE L. HUNT

IBLA 76-535

Decided August 9, 1976

Appeal from decision of New Mexico State Office, Bureau of Land Management, rejecting application for noncompetitive geothermal resources lease NM 25553.

Affirmed.

1. Geothermal Leases: Competitive Leases -- Geothermal Leases:
Known Geothermal Resources Areas -- Geothermal Leases:
Noncompetitive Leases

Section 4 of the Geothermal Steam Act of 1970 authorizes competitive bidding as the sole basis of issuance of geothermal resources leases for lands determined to be within a known geothermal resources area, whether the KGRA determination is made before or after a noncompetitive application is filed.

APPEARANCES: Caroline L. Hunt, pro se.

OPINION BY ADMINISTRATIVE JUDGE RITVO

Caroline L. Hunt has appealed from so much of a decision of the New Mexico State Office, Bureau of Land Management dated March 10, 1976, as rejected in part her noncompetitive application, NM 25553, for a geothermal resources lease. The decision declared that the rejected lands are within Radium Springs known geothermal resources area (KGRA) and are not subject to noncompetitive leasing.

Hunt filed her application dated April 21, 1975, during the April 1975 simultaneous filing period. The decision pointed out that the determination that the land as to which her application was rejected was within a KGRA was published in the Federal Register on May 1, 1975, 40 FR 19026, effective February 1, 1974.

[1] Section 4 of the Geothermal Steam Act of 1970, 30 U.S.C. § 1003 authorizes competitive bidding as the sole basis for issuance of geothermal resources leases for lands determined to be within a KGRA. Applications for noncompetitive leases for KGRA lands must be rejected whether or not filed before the KGRA determination was made, so long as the determination is made before a lease issues. 43 CFR 3210.4; Anadarko Production Company, 24 IBLA 132 (1976); Hydrothermal Energy and Resources, Inc., 18 IBLA 393, 82 I.D. 60 (1975). Thus appellant's contention that her application was filed in April is immaterial.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed.

Martin Ritvo
Administrative Judge

We concur:

Anne Poindexter Lewis
Administrative Judge

Joseph W. Goss
Administrative Judge

